REMARKS

Pursuant to 37 C.F.R. § 1.146, should the elected species be found allowable, Applicants respectfully request that the Examiner continue to examine the full scope of the claimed subject matter to the extent necessary to determine the patentability thereof, i.e., extending the search to the non-elected species, as is the duty according to M.P.E.P. § 803.02 and 35 U.S.C. § 121.

Applicants respectfully submit that this election of species requirement fails to comply with PCT rules 13.1 and 13.2 because the Examiner has failed to take into account the intended effect of the invention in the treatment of these disorders. PCT Rule 13.1 reads as follows:

> "The international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ('requirement of unity of invention')."

Claim 7 is directed to employment of a gene therapy treatment and is indirectly dependent (through claim 5) on claim 1. Claim 1 is directed towards, *inter alia*, increasing the tolerance of a mammal to transgenic cells. Gene therapy inherently involves transplanting transgenic cells into a mammal. Thus, in light of claim 1, the tolerance to gene therapy will be improved regardless of the particular disease being treated. Consequently, the invention described by claims 7, 14 and 15 involves a single general inventive concept under PCT Rule 13.1. Thus, Applicants respectfully request the withdrawal of this requirement.

LAW OFFICES
FINNEGAN, HENDERSON,
FARABOW, GARRETT,
& DUNNER, L.L.P.
1300 I STREET, N. W.
WASHINGTON, DC 20005
202-408-4000

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 10, 2001

By: Carol P. Einaudi
Carol P. Einaudi
Reg. No. 32,220

LAW OFFICES
FINNEGAN, HENDERSON,
FARABOW, GARRETT,
& DUNNER, L.L.P.
1300 I STREET, N. W.
WASHINGTON, DC 20005
202-408-4000